

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOHN W. PEROTTI,

No. 05-60172

Plaintiff,

District Judge John Corbett O'Meara

v.

Magistrate Judge R. Steven Whalen

MS. MARLBERRY, ET AL.,

Defendants.

/

ORDER

Plaintiff John W. Perotti, a *pro se* federal prison inmate in this civil rights action, has filed a motion for the appointment of counsel [Doc. #209].

Unlike criminal cases, there is no constitutional or statutory right to the appointment of counsel in civil cases. Rather, the Court requests members of the bar to assist in appropriate cases. In *Lavado v. Keohane*, 992 F.2d 601, 605-606 (6th Cir. 1993), the Sixth Circuit noted that “[a]ppointment of counsel in a civil case is not a constitutional right. It is a privilege that is justified only by exceptional circumstances.” (Internal quotations and citations omitted).

It is the practice of this Court to defer any attempt to obtain counsel for *pro se* civil rights Plaintiffs until after motions to dismiss or motions for summary judgment have been denied. This case has a lengthy procedural history, and was remanded by the Sixth Circuit. A contested motion to amend complaint is pending. Depending on the decision of that motion, dispositive motions may follow. At this

point, Plaintiff's motion to appoint counsel is premature. If Plaintiff's claims ultimately survive dispositive motions, he may renew his motion for appointment of counsel at that time.

Accordingly, Plaintiff's motion to appoint counsel [Doc. #209] is DENIED WITHOUT PREJUDICE.

IT IS SO ORDERED.

/s/R. Steven Whalen
R. STEVEN WHALEN
UNITED STATES MAGISTRATE JUDGE

Date: July 20, 2015

Certificate of Service

I certify that a copy of this order was served upon parties of record on July 20, 2015 via electronic or postal mail.

/s/A. Chubb
CASE MANAGER